

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14771 of 2015

Arising Out of PS.Case No. -3235 Year- 2012 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Syed Najim Hussain Son of Syed Azaz Hussain Resident of Mohalla - S
- 4/42 E - 1 U1phat Bibi Compound Aradali Bazar, Varanasi, P.S. Aradali
Bazar Cantt District - Varanasi (U.P.)

.... Petitioner/s

Versus

1. The State of Bihar
2. Yasmin Afroj @ Nishi W/o Syed Najim Hussain, Daughter of Syed
Sultan Ahmad resident of village - Gopalpur, P.O. Nakarganj, P.S.
Hussainganj, District - Siwan

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 10-04-2015 Heard learned counsels for the petitioner and the

State.

The petitioner being the husband of the
complainant is apprehending arrest in a complaint case in
which processes were directed to be issued after cognizance
being taken under Sections 498A and 323 of the Indian
Penal Code.

The basic accusation is of torture.

On instructions, it is submitted that the petitioner
is ready to keep the complainant as wife with full dignity
and honour. Statement to the aforesaid effect has been made

in paragraph no. 9 of the petition which reads as follows:

“That the petitioner is still ready to lead matrimonial life with the wife/complainant.”

It is further submitted that similar was the stand of the petitioner before the learned court below but the complainant refused to accept the offer of the petitioner.

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for one year in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned JM Ist Class, Siwan in connection with Complaint Case No. C 3235 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below issue notice to the complainant and on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities – (i)



if the matrimonial harmony is substantially restored or (ii) if the complainant fails to appear before the learned court below or (iii) if the complainant deliberately gets reluctant to reconcile the issue

(Dinesh Kumar Singh, J)

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